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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

February 27, 2015

Frank Nichols  
Box 2046  
Cedar City, Utah 84721

Subject: Unauthorized use of the Nichols Pit, Western Rock Products, Nichols Pit, M/021/0039, Iron County, Utah

Dear Mr. Nichols:

The Division of Oil, Gas and Mining (Division) recently received information that there has been unauthorized mining activity at the Nichols Pit. The operator for this mine is Western Rock Products.

Since Western Rock Products has an approved permit and reclamation surety with the Division, they are responsible for complying with the mining laws and for ultimate reclamation of the site. Removal of material by anyone without their authorization potentially increases the reclamation liability for Western Rock Products, and they could also become responsible for violations of the Mined Land Reclamation Act. This puts them in an unfair position when other individuals or companies remove materials from their permitted and bonded area.

The Division recognizes that you are the land owner and does not want to dictate what may be done on your property. However, only Western Rock Products has approval to mine in the area delineated in the mine permit. Western Rock Products has the option of hiring a contractor or authorizing someone to mine in their area, but no other company should be operating within the mine without their approval. If an inspector finds unauthorized operations, that operator will receive a cessation order and will be subject to fines for conducting mining operations without a permit.

Another operator could mine other portions of your property as long as the activity is approved and bonded by the Division. Please contact the lead inspector for Iron county, Lynn Kunzler, at 801-5310 if you need further information about obtaining approval.

Please contact Mr. Kunzler at the number shown above or me at 801-538-5261 if you have additional questions. Thank you for your cooperation and understanding.

Sincerely,

Paul B. Baker  
Minerals Program Manager

PBB:lk:mj

cc: Bob Roth, Western Rock Products  
Mike Dalley, Staker and Parson Companies  
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